

Remarks

This is a non-final office action and 15 claims are pending in the application. Of these claims, claims 1, 6-10 and 12 are rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by the Martensson U.S. Patent No. 5,923,147. Claims 2-5, 11 and 13-15 are rejected by the Examiner under U.S.C. §103(a) as being unpatentable over the Martensson patent in view of the publication from the cableorganizer.com provided by the Applicant in the Information Disclosure Statement dated November 28, 2003.

Applicant objects to the specification and claims 1, 2, 4, 6, 9, 11, 12 and 13 due to informalities which have been corrected as set forth in the amendments above.

Applicant has carefully considered the references and the arguments advanced by the Examiner in rejecting the claims of the application, and in response thereto, Applicant has amended the specification and claims in an effort to place the application in condition for allowance. No new matter is added nor are new issues presented for consideration by way of the amendment to the specification and claims which are fully supported by the specification and drawings as filed. Favorable reconsideration of the objections to the specification and claims and the rejection of the claims is respectfully requested in view of the foregoing amendments and following remarks.

Objections to Specification and Claims

With regard to the objection to the specification and claims, Applicant has amended the specification and claims as set forth above to address the informalities identified by the Examiner. As so amended, Applicant respectfully submits that the

objections to the specification and claims are overcome and requests withdrawal of the objections.

Claims rejections 35 U.S.C §102 and 103

Turning now to the objection under sections 102 and 103, claims 1, 6-10 and 12 have been rejected as being completely shown by Martensson U.S. Patent No. 5,923,147. To reject claims 2-5, 11 and 13-15, the Examiner modifies the Martensson patent on the grounds of alleged obviousness by combining the cableorganizer.com publication. Applicant respectfully disagrees with these rejections for the following cogent reasons.

The operating principle of the Martensson device is technically distinguishable and completely different than Applicant's invention as disclosed and claimed. A circular drum is turned by finger or hand operation to wind or unwind a power cord around the rotating drum, a totally different operating principle from that of Applicant's invention in which an electrical cable is wound and unwound around a tower-like structure that does not move or rotate. Additional differences will become readily apparent from the following discussion.

Martensson discloses a battery charger unit 1 wherein the casing 2 is formed in two halves 16a, 16b from a rigid plastics material (claim 3, lines 32-33) and has a front face 3 and a rear face 4 and a continuous side wall 12 extending between the front face 3 and rear wall 4 (claim 2, lines 57-58). A recess 6 is provided in a portion of the side wall 12 to receive a battery 7 (column 2, lines 66-67). A slidable cover 9 is provided to cover the recess 6 under the charging unit 1 is not being used to charge a battery 7 (column 3, lines 10-13).

A rotatable reel 10 comprising a circular drum 30 is centrally located and mounted within the casing 2 and includes a rear plate 11 which forms a part of the rear face 4 when the unit 1 is assembled (claim 3, lines 14-18). A spindle 32 is centrally located on the reel 10 and allows the reel 10 to be rotatably mounted within the casing 2 (column 3, lines 20-22).

The reel 10 is made from a rigid plastics material and is rotatably mounted on one of the halves 16a by the spindle 32. The corresponding casing half 16b has a circular aperture 17 which fits around the reel plate 11 and with the reel plate 11 forms the rear face 4 (column 3, lines 33-38).

The cable 13 is pulled out through an aperture 21 in the casing 2 unwinding it from the rotatable reel 10 and retracting it into the casing 2 by hand winding the rotatable reel 10 by using a twisting motion of the hands to wind the reel 10 (column 3, lines 48-58).

Applicant respectfully disagrees with the Examiner's assertion that one half 16b of the casing 2 is located on an outer surface of the transformer housing. At best, the half 16b in its portion of the sidewall 12 can be located on the half 16a and its portion of the sidewall 12 to form the casing 2. There is no transformer housing or transformer housing outer surface taught, suggested or disclosed in Martensson. The transformer, to the extent one is described, (column 3, lines 26-28) is housed within the casing 2 which is made of the two halves 16a, 16b. The transformer has no exterior outer surface nor is there any suggestion or motivation in the Martensson reference to lead one skilled in the art to conclude a transformer housing outer surface forms a part of the casing 2.

In contrast, Applicant's invention as disclosed (page 7, lines 10-15) and claimed recites a cover 30 located on an outer surface 32 of the transformer housing 14. Martensson is deficient with respect to this claim element for at least the reason a cover cannot be located on an outer surface of the transformer housing as recited in claims 1, 11 and 12.

Further, if the casing half 16b of the casing 2 in Martensson was somehow flipped up as suggested by the Examiner, the rotatable reel 10 and spindle 32 would fall out because it is rotatably retained between the inner surfaces of the two casing halves 16a, 16b. Accordingly, Martensson is deficient with respect to providing a cover that flips up away from the transformer housing outer surface so that a first portion of the cover inner surface faces outward and the remaining portion of the cover inner surface defines a tower-like structure around which the electrical cable is wound.

Even if the casing half 16a could somehow be removed as suggested by the Examiner and further the rotatable reel 10 and spindle 32 be retained in the casing half 16b, a cable still cannot be wound around the circular drum 30 because the interior of the drum is not accessible due to the tab formed on the periphery of the drum preventing a cable from being wound around the drum. In addition, the side wall 12 also prevents access by a cable to the reel 10.

Still further, even if all the above deficiencies could somehow be cured, the reel 10 would rotate when an attempt is made to manually wind a cable around the drum 30 so the cable could not be wound unless the reel 10 were prevented from rotating thus changing the function and intent of the Martennson device.

Martennson teaches as described above that the cable 13 is pulled through a predefined aperture 21 in the casing 2 unwinding it from the rotatable reel 10. There is teaching, suggestion, disclosure or motivation that would suggest to one skilled in the art to separate the two halves 16a, 16b to wind or unwind the cable 13 around the drum 30.

The Examiner attempts to combine the device disclosed in the cableorganizer.com publication to overcome the deficiencies of the Martensson reference. Opening the shell of the device shown in the cableorganizer.com publication eliminates the formation of the aperture 21 in the casing 2 through which the cable is extracted or retracted in Martensson. Further, the reel 10 and spindle 32 would not be rotatably mounted between the two halves. The sidewall 12 would not be provided and the recess 6 could not be formed nor the slid able cover 9 covering the recess 6 be retained. Applicant submits that one skilled in the art would not be led to attempt to make the combination suggested by the Examiner nor is there any motivation, teaching, suggestion or disclosure in either of the references to attempt to make such a combination. Further, even if such a combination were somehow made, Applicant has demonstrated above that the combination would be inoperative.

Independent claims 1, 11 and 12 recite claims elements not taught, suggested or disclosed by the art of record taken singly or in combination as discussed above for at least the reason a cover cannot be located on an outer surface of the transformer housing as recited in claims 1, 11 and 12. The remaining claims of the application are dependent directly or indirectly thereon and it is submitted that they also are patentably and technically distinguishable for similar reasons and further for additional limitations clearly set forth therein.

Accordingly, it is submitted that the present invention as claimed is readily distinguishable from the prior art references for the reasons indicated. Applicant's invention is not disclosed by any of the prior art and there is no fair basis for alleging that applicant's invention is obvious in regard to such prior art. If the invention was obvious, it would have been adopted before in view of its advantages.

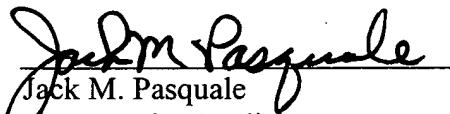
Conclusion

Applicant submits that all the claims of the application are now in condition for allowance and earnestly solicits such action at an early date. The Examiner is invited to call Applicant's attorney if any questions remain following review of this response.

Respectfully submitted,

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By:



Jack M. Pasquale
Attorney for Applicant
Registration No. 31,052

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676

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